

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON  
CABELL COUNTY COMMISSION

V.

AMERISOURCE BERGEN DRUG  
CORPORATION, ET AL

This document relates to:  
“*TRACK 2 CASES*”

**Case No. 3:17-1362  
Hon. David A. Faber**

**ORDER ESTABLISHING PROCEDURE FOR  
DESIGNATION AND USE OF DEPOSITION TESTIMONY AT TRIAL**

To coordinate the procedure for the designation and use of deposition testimony for trial as ordered by the Court, this Order is entered to establish the following schedule and procedure:

<b>Category of Deadline</b>	<b>Agreed-Upon Deadline</b>
• <b>Affirmative deposition designations due<sup>1</sup></b>	7 p.m. on the Monday prior to the week of anticipated use at trial
• <b>Objections to affirmative deposition designations due</b> • <b>Completeness and counter-designations due<sup>2</sup></b>	Completeness and counter designations, as well as any objections to affirmative designations, will be disclosed on Wednesdays at 7 p.m.
• <b>Objections to completeness and counter-designations due</b> • <b>Reply designations due</b>	Reply designations, as well as any objections to completeness and counter designations, will be disclosed on Fridays at 7 p.m.
• <b>Meet and confer regarding objections</b>	The parties will meet and confer regarding objections to designations on Saturdays. All

<sup>1</sup> The parties agree to work in good faith to identify a mutually agreeable format for the exchange of page and line citations for deposition testimony in a manner that permits their respective technical teams to efficiently cut the final videos. The parties further agree that attorney objections and commentary shall not be included in any parties’ designations.

<sup>2</sup> Testimony from a different witness may not be used as a completeness or counter-designation.

	unresolved objections shall be submitted to the Court for resolution as soon as possible thereafter.
<ul style="list-style-type: none"><li>• Offering party provides final video files and transcripts of deposition testimony (including all remaining affirmative, completeness, counter, and reply designations) to non-offering parties for their review prior to introduction at trial.</li></ul>	The offering party will disclose final video files and transcripts by 12 PM noon on the day prior to play.

The Clerk is directed to send a copy of this Order to counsel of record who have registered to receive an electronic NEF.

**SO ORDERED**



Dated: September 21, 2020

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Honorable David A. Faber